

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by Examiner in the outstanding Office Action, but remain of the position that patentable subject matter is present. Applicants respectfully requests reconsideration of Examiner's position based on the amendments to the specification, amendments to the claims, amendments to the drawings, terminal disclaimers and the following remarks.

Drawings

The drawings had been objected to because they include a reference character (3.2) in Figure 7, which is not mentioned in the description.

The specification has been amended accordingly to include reference character 3.2. The specification and drawings are now deemed in compliance with 37 CFR 1.84(p)(5).

Claim Status and Comments

Claims 1-6 are pending. Claims 1-5 have been amended and claim 6 has been added. Claims 2-5 were amended to place the claims in more conventional U.S. format. Claim 6 was added to disclose the features of claim 1 in more conventional U.S. format. Further details of the amendments will be discussed below.

Claimed Invention

The claimed invention discloses an H-shaped receiving section in which U-shaped accessories are fitted. The U-shaped accessories can be hollow tubular structures. Connecting elements are fixed to the receiving section and the accessories by anchoring screws. In an assembled state, the resistance between the component sections of the claimed invention is similar to that of rigid welded assemblies due to the extra resistance in the anchoring areas by the accessories. The resistance of stress is distributed over the entire surface of the accessories. Additionally, by using screws as opposed to welding the components together, the installations can be assembled easier.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2 and 4 had been rejected as anticipated by Takeuchi, *et al.* (U.S. Patent No. 6,739,099).

Claim 6 has been added and claims 2-4 are now dependent upon claim 6. Claim 1 has been amended as well to further define the claimed invention. As presented, the claimed invention is distinguishable from Takeuchi, *et al.*

Takeuchi relates to a system for “non-rigid” joints allowing the replacement of components in case of earthquakes. Figure 2 of Takeuchi discloses a fastening assembly having secondary sections (7) on an H-shaped receiving section (1a). The accessory parts (20) of Takeuchi are shown adjacent to the side flanges (2) of the receiving section (1a). The fastening of the secondary sections (7) is carried out by means of anchoring screws (3), which pass through a plate (50) of the secondary section (7), the side flange (2) of the receiving section (1a) and a corresponding accessory part (20). There, the accessory

parts (20) are L-shaped. Additionally, the accessory parts (20) are arranged independently on each side flange (2) forming a single support.

Contrarily, the claimed invention discloses a system for “rigid” joints comprising secondary sections (3) on an H-shaped receiving section (2) so that each accessory part (2) is fitted on both side flanges and on the web of the receiving section (2). Thus, the accessory parts (1) are fitted in three places, the web and the two side flanges on the receiving section (2). Unlike Takeuchi, the accessory parts are one piece. The accessory parts of Takeuchi cannot transmit strength in the same manner as the claimed invention. The accessories are not one rigid U-shaped component, but rather independent L-shaped components not fitted to the side flanges and web of the receiving section. Thus, due to the configuration of the claimed invention, the claimed invention can withstand higher forces than Takeuchi.

Thus, as discussed above, the claimed invention is distinguishable from and patentable over Takeuchi.

Claim Rejections – 35 U.S.C. § 103

Claim 3 had been rejected as being unpatentable over Takeuchi, *et al.* (U.S. Patent No. 6,739,099) in view of Simmons (U.S. Patent No. 6,802,169) and claim 5 had been rejected as being unpatentable over Takeuchi in view of McCraken (U.S. Patent No. 5,426,906).

As discussed above, the claimed invention is distinguishable from Takeuchi. Simmons and/or McCraken do not overcome the deficiencies of Takeuchi. Therefore,

claim 3 and 5 are patentable over Takeuchi in view of Simmons and McCracken respectively.

However, Applicants would like to point out that Simmons, like Takeuchi, relates to a system for “non-rigid” joints. Simmons discloses four vertical L-shaped pieces (46, 48, 50, 52) as shown in Figure 10, which make up the receiving section. In the support formed by four L-shaped pieces (46, 48, 50, 52) it is not possible to transmit strengths from one L-shaped piece to another L-shaped piece.

Unlike Simmons, the receiving section of the claimed invention a single H-shaped piece. Moreover, unlike Simmons, in the claimed invention, the strengths are transmitted through one side and another side of the H-shaped support to obtain a rigid joint.

Furthermore, in Figure 20, Simmons discloses a joint assembly between secondary sections (112) and an I-shaped receiving section (110) incorporating L-shaped accessory pieces (114, 1160, which are on the web of the receiving section (110), projecting a flange (114, 116) towards the secondary sections (112) fastened to the flange.

The claimed invention, unlike Simmons, discloses an H-shaped receiving portion. Additionally, similar to Takeuchi, the accessory pieces of Simmons are not U-shaped pieces and they are not joined to the side flanges and the web of the receiving section (110). Thus, Takeuchi in view of Simmons does not disclose the present invention. Therefore, the present invention is patentable over Takeuchi alone or in combination with Simmons.

Applicants would also like to point out that the claimed invention is distinguishable from Takeuchi in view of McCracken.

In Figure 12b, Takeuchi discloses a fastening assembly of secondary sections (4) on a prismatic tubular shaped receiving section (1b). There, the prismatic tubular section (1b) is the main receiving section of the joint and it is not an intermediate accessory piece of the joint between secondary sections (3) and the main receiving section (2) as is the solution in the claimed invention. Moreover, there is not an opening in the prismatic tubular shaped receiving section of Takeuchi for accessing the interior to facilitate handling a fastening anchor. Therefore, there is no way to reach the assembly as described in claim 5.

Additionally, McCracken discloses trapezoidal shaped beam members used for “light” structures. Unlike McCracken, the claimed invention discloses prismatic tubular configurations which are placed into the joints between the flanges of the receiving section in connection with the side flanges and the web of the receiving section.

Thus, claim 5 is distinguishable from and patentable over Takeuchi in view of McCracken.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account Number 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C Lucas
Donald C. Lucas, Reg. No. 31,275
Attorney for Applicant(s)
475 Park Avenue South, 15th Floor
New York, New York 10016
Tel. 212-661-8000 Fax (212) 661-8002

DCL/JRW/ns